

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ELYSE MCKENNA,

Plaintiff,

Case No. 24-cv-12347

v.

Hon. Brandy R. McMillion

ROBERT F. RILEY and  
RILEY & HURLEY, PC and  
OLSMAN MACKENZIE PEACOCK, PC

Magistrate Judge Elizabeth  
Stafford

Defendants.

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**MOTION TO WITHDRAW AS COUNSEL AND  
FOR TEMPORARY STAY OF PROCEEDINGS**

Goodman Kalahar and McGinn Montoya Love Curry & Sievers PA, counsel of record for Plaintiff Elyse McKenna, and pursuant to Rule 1.16 of the Michigan Rules of Professional Conduct, respectfully move this Court for an order permitting counsel to withdraw and affording Plaintiff a reasonable period of time to retain new counsel including a temporary stay of all proceedings for a period of time that the Court in its discretion finds appropriate. Because certain deadlines in this case are pressing, as set forth below, counsel requests that the Court consider this Motion on an expedited basis. In support of this Motion, counsel states:

1. There was a conference between attorneys and other persons entitled to be heard on the motion in which the movant explained the nature of the motion or

request and its legal basis, and requested but did not obtain concurrence in the relief sought.

2. A breakdown in the attorney-client relationship has occurred that, in counsel's professional judgment, makes continued representation no longer appropriate, and impairs the ability to provide effective representation.

3. Counsel has taken reasonable steps to avoid foreseeable prejudice to the client, including advising the client of the intent to withdraw, advising the client of the need to seek new counsel, obtaining extensions of time and requesting a stay of proceedings to enable the client to retain new counsel.

4. This motion is made in good faith and is not intended to cause undue delay or prejudice to any party. At the time of this filing, the following dates and deadlines are in place, requiring a temporary stay of proceedings to allow the client to retain new counsel:

- June 6, 2025: Deadline to amend pleadings (Defendants have agreed to extend this date for 28 days)
- June 15, 2025: Agreed date for Plaintiff to serve supplemental responses to Defendants' written discovery requests (Defendants have agreed to extend this date for 28 days)
- August 11, 2025 - September 10, 2025: Depositions of parties
- March 6, 2026: Fact discovery cutoff
- April 6, 2026: Rule 26(a)(2) proponent expert witness list/report

- June 5, 2026: Expert discovery cutoff
- June 5, 2026: Deadline to request case evaluation/facilitation
- July 6, 2026: Deadline for dispositive motions and expert challenges
- November 30, 2026: Rule 26(a) pretrial disclosures
- December 28, 2026: Motions in limine
- January 26, 2027: Joint final pretrial conference
- February 29, 2027: Trial date

5. Therefore, counsel respectfully requests that the Court grant this Motion and enter an order permitting withdrawal and issuing a temporary stay of proceedings to enable the client to retain new counsel for a period of time that the Court in its discretion finds appropriate.

6. A copy of this Motion has been delivered to the client as set forth in the Certificate of Service.

Respectfully submitted,

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Dated: June 6, 2025

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**BRIEF IN SUPPORT OF MOTION TO WITHDRAW AS COUNSEL  
AND FOR TEMPORARY STAY OF PROCEEDINGS**

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**Statement of Issues Presented**

1. Should this Court grant counsel for Plaintiff’s motion to withdraw?
2. Should this Court grant counsel’s request for a temporary stay of proceedings to allow Plaintiff a reasonable amount of time to retain new counsel?

**Controlling or Most Appropriate Authority**

Michigan Rule of Professional Conduct 1.16

### **Argument**

Pursuant to E.D. Mich. L.R. 83.25(b)(2), the Michigan Rules of Professional Conduct, and this Court's inherent authority to control its docket, counsel for Plaintiff respectfully submits this brief in support of the concurrently filed Motion to Withdraw as Counsel and for Temporary Stay of Proceedings.

Under E.D. Mich. L.R. 83.25(b)(2), an attorney may withdraw only on order of the Court. Withdrawal is appropriate where ethical rules or practical circumstances make continued representation unworkable.

The Michigan Rules of Professional Conduct provide the circumstances under which withdrawal is appropriate. Mich. R. Prof. Conduct 1.16. This motion is based on a breakdown in the attorney-client relationship that, in counsel's judgment, makes continued representation no longer appropriate, and impairs the ability to provide effective representation. The standard for withdrawal is satisfied.

Counsel has notified Plaintiff of the intent to withdraw and has taken reasonable steps to avoid prejudice, including advising the client to obtain new counsel. Counsel respectfully requests that the Court exercise its inherent authority to allow Plaintiff a reasonable period of time to retain new counsel and stay proceedings to facilitate that transition, for a period of time that the Court in its discretion finds appropriate.

**Conclusion**

For the foregoing reasons, counsel respectfully requests that the Court grant the Motion to Withdraw as Counsel and grant a Temporary Stay of Proceedings to allow Plaintiff a reasonable period of time to retain new counsel.

Respectfully submitted,

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Dated: June 6, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that on June 6, 2025, I electronically filed the foregoing document with the Clerk of the Court using the ECF system, which will send notification of such filing to all ECF participants.

I further certify that on June 6, 2025, I electronically served the foregoing document on Elyse McKenna at the following address: [elyse@foxmckenna.com](mailto:elyse@foxmckenna.com).

I further certify that on June 6, 2025, I also served a copy of the foregoing document on Elyse McKenna via FedEx overnight delivery at the following address:

Elyse McKenna  
5400 Greystone St.  
Chevy Chase, MD 20815

/s/Kathleen Kalahar  
Kathleen J. Kalahar